

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

DONALD HARTMAN, Register No. 534307,)
)
)
Plaintiff,)
)
)
v.) No. 06-4109-CV-C-NKL
)
)
DAVE DORMIRE, et al.,)
)
)
Defendants.)

ORDER

On November 29, 2006, the United States Magistrate Judge recommended the plaintiff's motions for preliminary injunctive relief and for contempt be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record¹, including the exceptions filed by plaintiff on December 13, 2006, as well as plaintiff's related filings seeking an additional mental examination by an outside expert, and a telephone conference on the issue. The issues raised in plaintiff's objections and related filings were adequately addressed in the report and recommendation. Plaintiff's treating psychiatrist testified at the hearing before the Magistrate Judge that plaintiff's assignment to administrative segregation was not contraindicative of his psychological condition, and there is no evidence that it is necessary to seek an additional mental examination. A mere difference of opinion between plaintiff and his treating psychiatrist about what treatment is appropriate does not give rise to a colorable claim under 42 U.S.C. § 1983. Warren v. Fanning, 950 F.2d 1370, 1373 (8th Cir. 1991); Smith v. Marcantonio, 910 F.2d 500, 502 (8th Cir. 1990); Courtney v. Adams, 528 F.2d 1056 (8th Cir. 1976). The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's November 29, 2006 Report and Recommendation is adopted. [46] It is further

¹Court proceedings, if any, are recorded by electronic recording equipment and the tapes are available for review by the court and counsel.

ORDERED that plaintiff's motions for preliminary injunctive relief, contempt, mental examination, and a telephone conference are denied [32, 23, 48, 49].

/s/ _____

NANETTE K. LAUGHREY
United States District Judge

Dated: February 9, 2007
Jefferson City, Missouri